IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3604 of 2002

Between:
1 U.Jana Bai W/o.late U.Narasimha
Saroornagar Hyderabad
2 U.Srinivas S/o.late U.Narasimha
Saroornagar Hyderabad

..... PETITIONERS

AND

1 Andhra Pradesh State Cooperative Bank Limited Troop Bazar, Hyderabad
rep.by its Managing Director
2 The NIzamabad District Cooperative Central Bank Limited Nizamabad
rep.by its Chairman

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of writ of mandamus, declaring the orders No.P1(E)F.NO.23/2002, Dt.29/01/20002 issued by the first respondent as arbitrary, discriminatory, illegal and set aside the same and consequently direct the respondents to release the death benefits of U.Narasimha to the petitioners and further direct the respondents to consider and appoint the second petitioner on compassionate grounds to any suitable post in the second respondent bank with all other consequential benefits, monetary and otherwise and pass such other order.

Counsel for the Petitioners: MR.V.JAGAPATHI

Counsel for the respondent No.1: Mr. P.Nageswara sree

Counsel for the Respondent No2: MR.B.VIJAYSEN REDDY

The Court Made the Following :

ORDER :

The petitioners are seeking a Writ of Mandamus declaring the order dated 29-01-2002 passed by the A.P. State Cooperative Bank, Hyderabad as arbitrary and illegal. They are also seeking a further direction to consider and appoint the 2nd petitioner in any suitable post in the Nizam District Cooperative Central Bank, Nizamabad on compassionate grounds.

The first petitioner is the widow and the 2nd petitioner is the son of one Sri U.Narasimha who expired on 28-12-2000. The deceased U.Narasimha while working as Accountant in Primary Agricultural Development Bank, Armoor, Nizamabad District was dismissed from service on 30-07-1986 by the Managing Director of the A.P. Cooperative Central Agricultural Development Bank after conducting due enquiry into certain irregularities committed by him in disbursement of loans. An appeal preferred by him to the Board of Directors was also dismissed. He raised an industrial dispute which was registered as I.D.No.124 of 1993 on the file of the Labour Court-II, Hyderabad. By Award dated 23-11-1996 the Labour Court set aide the order of dismissal and directed reinstatement of Sri U.Narasimha into service with continuity of service, however with only 25% of back-wages. Since by that time the A.P. Cooperative Central Agricultural Development Bank stood abolished, the A.P. State Cooperative Bank with which the A.P. Cooperative Central Agricultural Development Bank was merged, filed W.P.No.12214 of 1997 challenging the Award dated 23-11-1996 in I.D.No.124 of 1993. By virtue of interim orders dated 22-10-1997 passed by this Court in W.P.M.P.No.14679 of 1997 modifying the order of interim suspension initially granted in W.P.12214 of 1997, Sri U.Narasimha was reinstated into service in the 2nd respondent Bank on 13-12-1997. The petitioners claim that Sri U.Narasimha was also promoted as Assistant Manager. However, he died on 28-12-2000 while

in service. It is alleged by the petitioners that the respondents have not released the death benefits of Sri U.Narasimha and the claim of the second petitioner for appointment in the 2nd respondent Bank on compassionate grounds has also not been considered though the Registrar of Cooperative Societies, A.P., Hyderabad by memo dated 14-08-2001 directed the 2nd respondent to take necessary steps for appointment on compassionate grounds as per the Circular dated 23-08-1995, ultimately the first respondent vide letter dated 29-01-2002 informed the second respondent that it would not be possible to consider his request for appointment on compassionate grounds until W.P.12214 of 1997 is disposed of. Aggrieved by the same, this Writ Petition is filed.

On behalf of the first respondent, a detailed counter-affidavit has been filed contending that after reinstatement in the 2nd respondent Bank, the deceased employee became the employee of the 2nd respondent Bank and therefore no relief can be granted against the first respondent A.P. State Cooperative Bank. Despite notice, the 2nd respondent did not choose to file any counter-affidavit.

As can be seen from the affidavit filed by the petitioners in support of the application, the entire claim of the petitioners in this writ petition is based upon the Award dated 23-11-1996 in I.D.No.124 of 1993 whereunder late Sri U.Narasimha was directed to be reinstated into service. It is also relevant to note that since the Labour Court directed reinstatement with only 25% of back- wages, late U.Narasimha filed W.P.No.32810 of 1997contending that the Labour Court ought to have directed reinstatement with full back-wages. The petitioners herein were brought on record in both the said writ petitions being the legal representatives of late Sri U.Narasimha. After hearing all the parties, the said W.P.Nos.12214/97 and 32810/97 were disposed of by a common order, pronounced today. This Court while setting aside the impugned Award dated 23-11-1996 in I.D.No.124 of 1993, remitted the matter back

to the Labour Court for consideration afresh and to pass appropriate orders in accordance with law.

Since the Award which forms basis for the claim in this writ petition has been set aside, nothing survives for adjudication in this writ petition on merits.

Accordingly, the Writ Petition is dismissed reserving liberty to the petitioners to file a fresh writ petition in case necessity thereof arises after the disposal of I.D.No.124 of 1993. No costs.

18th June, 2004.
gbs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Managing Director, Andhra Pradesh State Cooperative Bank Limited Troop Bazar, Hyderabad

2 The Chairman, The NIzamabad District Cooperative Central Bank Limited Nizamabad.

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